

CHAPTER NO. 389

SENATE BILL NO. 891

By Atchley, Herron

Substituted for: House Bill No. 890

By Armstrong, Tindell, Boyer

AN ACT To amend Tennessee Code Annotated, Title 63, relative to the practice of reflexology.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 63, is amended by adding Sections 2 through 14 of this act as a new chapter thereto.

SECTION 2. This act shall be known and may be cited as the "Reflexology Practitioners Registration Act of 2001".

SECTION 3. As used in this act, unless the context otherwise requires:

(1) "Certification" means completion of a two hundred (200) hour reflexology only course or certification by the American Reflexology Certification Board or the International Institute of Reflexology;

(2) "Client" means any person who engages the services of a reflexology practitioner;

(3) "Commissioner" means the Commissioner of Health or the commissioner's designee;

(4) "Department" means the Department of Health;

(5) "Division" means the division of health-related boards in the Department of Health;

(6) "Reflexology" means the application of specific pressures to reflex points in the hands and feet only;

(7) "Reflexology practitioner" or "Reflexologist" means any person who engages in the practice of reflexology for compensation and who has completed a study of the principles of reflexology, anatomy and physiology generally included in a regular course of study of reflexology; and

(8) "Registration" means satisfying the requirements for registration by the Department of Health.

SECTION 4.(a) No person shall engage in the practice of reflexology unless such person has registered with the division of health-related boards.

(b) No person shall be registered to practice reflexology unless such person completes all necessary application forms and can demonstrate to the satisfaction of the division that such person complies with the criteria specified in this act.

(c) Any person who desires registration as a certified reflexologist shall submit an application to the division on the prescribed forms. The application shall be accompanied by:

(1) Documentation of certification by the American Reflexology Certification Board, the International Institute of Reflexology or documentation of completion of a two hundred (200) hour reflexology only course;

(2) Proof the applicant has attained eighteen (18) years of age;

(3) Two (2) character references stating that the applicant is of good moral character;

(4) A statement certifying the applicant has not been convicted of any felony under the laws of this state or any other state; and

(5) All required fees.

SECTION 5. Upon receipt of evidence showing that the applicant is practicing as a reflexologist upon the effective date of this act, the division shall register the applicant. Evidence of practice shall include the following:

(1) Certification by the American Reflexology Certification Board, International Institute of Reflexology or certification of completion by a reflexology only course of study of two hundred (200) hours; or

(2) A statement from the applicant that such applicant has practiced reflexology for at least one (1) year prior to application for certification and proof that such applicant meets at least three (3) of the following criteria:

(A) A valid business license in reflexology;

(B) Two (2) letters evidencing good moral character and proficiency in practice from clients of the applicant;

(C) Proof of income from the practice of reflexology;

(D) Membership in a national or international reflexology association such as the International Council of Reflexology, International Institute of Reflexology or the Reflexology Association of America; or

(E) Membership in the Tennessee Reflexology Association.

SECTION 6. This act shall not apply to the activities or services of physicians, chiropractors, physical therapists, occupational therapists, athletic trainers, cosmetologists, registered nurses, massage therapists, or members of other professions licensed, certified, or registered by the state who may, on occasion, apply pressure to specific reflex points in the hands and feet in the course of their work.

SECTION 7. The division shall register an individual from another state who applies for registration; pays the applicable fees; meets or exceeds the requirements established by this act; and who has no imposed or pending disciplinary actions in any state.

SECTION 8. Reflexologists registered by the state may hold themselves out as "registered certified reflexologists" and may use the title or the initials "RCR" following the person's name in connection with the profession. No person may use the title "registered certified reflexologist" or the initials "RCR" unless registered in accordance with this chapter.

SECTION 9.(a) Any person who advertises or engages in reflexology for compensation without registering with the division pursuant to this act commits a Class C misdemeanor, punishable by a fine only. It is unlawful to use the word "reflexology" or any other term that implies reflexology technique or method when advertising a service by a person who is not registered under this act.

(b) The division may, when it deems appropriate, seek such civil remedies at law or equity to restrain or enjoin any unauthorized practice or other violation of this act.

SECTION 10. (a) A registered reflexologist may not use invasive procedures during the practice of reflexology.

(b) A registered reflexologist may not diagnose or treat for specific diseases, practice spinal or other joint manipulations, prescribe, administer, or adjust medication, and prescribe or administer vitamins.

SECTION 11. Fees for the registration of a certified reflexologist shall be determined by the division but shall not exceed the costs of investigations, disciplinary actions and administering the registration process for certified reflexologists. Registration shall be valid for two (2) years and shall be renewed biennially.

SECTION 12. (a) The registration of a certified reflexologist may be revoked or suspended by the division or the division may impose a civil penalty upon a finding that the person is guilty of any one (1) or more of the following:

(1) The practitioner is guilty of gross malpractice or incompetence;

(2) The practitioner's mental or physical health endangers public health or safety;

(3) The practitioner is guilty of false or deceptive advertising;

(4) The practitioner engages in unprofessional conduct;

- (5) The practitioner falsifies any requirements for registration as set forth;
- (6) The practitioner is convicted of a felony;
- (7) The practitioner is subject to disciplinary action in another state; or
- (8) The unauthorized practice of reflexology.

(b) Any person may file with the Department of Health's office of investigations a written complaint against a registered reflexologist for any violation of this act.

(c) Complaints alleging violations of the provisions of this act, or the provisions of any rule duly promulgated pursuant to Section 13 of this act, shall be filed with the division, shall be resolved by the division in accordance with the provisions of this part and the Uniform Administrative Procedures Act, compiled in Title 4, Chapter 5. A file shall be maintained on each such complaint filed with the division and shall reflect all activities taken by the division in response to such complaint.

SECTION 13. The commissioner or the commissioner's designee may promulgate rules and regulations pursuant to the Uniform Administrative Procedures Act, compiled in Title 4, Chapter 5, to administer the provisions of this act.

SECTION 14. The division may issue advisory private letter rulings to any affected licensee who makes such a request regarding any matters within the division's primary jurisdiction. Such private letter ruling shall only affect the licensee making such inquiry, and shall have no precedential value for any other inquiry or future contested case to come before the division. Any dispute regarding a private letter ruling may, if the division chooses to do so, be resolved pursuant to the declaratory order provisions of § 4-5-223.

SECTION 15. This act shall take effect on July 1, 2001, the public welfare requiring it.

PASSED: June 14, 2001


JOHN S. WILDER
SPEAKER OF THE SENATE


JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 19th day of June 2001


DON SUNDQUIST, GOVERNOR